IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL REVISION NO.542 OF 1992

DATE OF DECISION: FEBRUARY 21, 2007

Ved Parkash

.....Petitioner

VERSUS

The State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr. K. S. Malik, Advocate,
for the petitioner.

Mr. Vikas Chaudhary, AAG, Haryana,
for the State.

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RANJIT SINGH, J.

The petitioner, a milk vendor, was intercepted by Piare Lal, Food Inspector, on 7.11.1987 while he was found carrying 80 Kgs. Of buffalo milk contained in four drums for sale. 750 ml. Of milk was purchased on payment. Dividing the same into three equal parts, was transferred into 3 dry and cleaned bottles. The same was sent to the public Analyst at Karnal. The report received from him revealed that the sample was found deficient to the tune of 17% in milk fat. The petitioner, being duly informed of the same, was prosecuted for an offence under Section 16(1)(a)(i) of the Prevention of Food

Adulteration Act. He was sentenced to undergo rigorous imprisonment for seven months and to pay a fine of Rs.1,000/-. He was further sentenced to undergo a period of one month in default of payment of fine.

The petitioner remained unsuccessful in his appeal. The sentence awarded to him was also maintained and that is how he filed the present revision, which is admitted since 1992.

Learned counsel for the petitioner did not make any submission on merits. He rightly pointed out that this incident is of 7.11.1987, for which the petitioner was convicted on 20.4.1992. His appeal was dismissed on 7.8.1992 whereafter present revision is pending since 17.8.1992. The petitioner is now aged about 56/57 years and has remained under constant fear of prosecution and the sentence looming large over him. Counsel has accordingly submitted that asking the petitioner to undergo sentence at this stage for an incident that took place nearly 20 years ago, would sound unjust and unfair.

The petitioner, who was found to be carrying adulterated milk in the year 1987, is facing criminal prosecution for such a prolonged period. The adulteration, noticed in the sample related to fat contents of the milk. The petitioner has undergone some period of sentence before he was directed to be released on bail by this Court. Requiring the petitioner to undergo incarceration at this stage, would sound a bit harsh. The petitioner was imposed a fine of Rs.1,000/- by the trial Court, which was affirmed by the Appellate Court. Since, he is not contesting the case on merits, no case for interference in the findings recorded by the Courts is made out. However, having regard

to the prolonged agony that the petitioner has faced, it shall not be appropriate to direct the petitioner to undergo a sentence at this stage. Accordingly, the period of sentence is reduced to one already undergone. However, the sentence of fine awarded to the petitioner is enhanced to Rs.5,000/- from Rs.1,000/-.

With this modification in the sentence, the revision petition is dismissed.

February 21, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**